## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of: APOSTOLOS, John T.

Examiner:

and McKIVERGAN, Patrick D.

pplication Number: 10/705703

Group Art Unit:

Filed: 11/11/2003

Atty. Dkt. No:

D-2003-0079

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## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner of Patents & Trademarks, U. S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 on

> Robert K. Reg. No.: 24,581

Attorney for Applicant

Dear Assistant Commissioner:

## INFORMATION DISCLOSURE STATEMENT

Applicants submit this statement in accordance to the duty of disclosure under 37 C.F.R. §§1.56,1.97, and 1.98, and requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97: This Information Disclosure Statement is filed within three (3) months of the filing date of a National Application or before the mailing date of a first office action on the merits. No fee or certification is required.

<u>Information Cited:</u> The Applicants hereby make of record in the above-identified application, the information listed on the attached form PTO/SB/08A. The order of presentation of the references should not be construed as an indication of the importance of the reference. As all the references listed on attached Form PTO/SB/08A are in English, no commentary is required.

Remarks: A copy of each reference which is not a U. S. patent; together with a listing on Form PTO/SB/08A, is submitted herewith. Applicants respectfully request that:

- 1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
- 2. The enclosed form PTO/SB/08A be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application; and
- 3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined in 37 C.F.R. §102.

Notwithstanding any statement by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Please enter in the above application and communicate in all related matters with the undersigned. All necessary fees are intended to be included, however the Office is hereby authorized to charge any deficiency or credit any overpayment in the fees to deposit account #190130.

Respectfully submitted

Robert K. Tendler, Reg. No 24.581

Date 166, 15 2004

Robert K. Tendler, Esq. 65 Atlantic Avenue Boston, MA 02110 Tel. No. (617) 723 7268 Fax. No. (617) 723 7186 M 17 mm

PTO/SB/08A (08-03)
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Substitute for form 1449/PTO

Sheet 1

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known			
Application Number	10/705703		
Filing Date	11/11/2003		
First Named Inventor	John T. Apostolos		
Art Unit			
Examiner Name			
Attorney Docket Number	D-2003-0079		

Examiner	Cita	Decument Number	Publication Date	DOCUMENTS  Name of Patentee or	Pages, Columns, Lines, Where
nitials*	Cite No.1	Document Number	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant
	140.	Number-Kind Code <sup>2 (# known)</sup>	William DO 1.11		Figures Appear
		<sup>US-</sup> 5,790,080	02/17/1995	John T. Apostolos	
		<sup>US-</sup> 6,313,716	02/17/1995	John T. Apostolos	
		US- 6,323,814	05/24/2001	John T. Apostolos	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	MM-DD-YYYY		Or Relevant Figures Appear	T <sup>6</sup>
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND

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